

Franciscan Alliance, Inc. v. Azar
Case No. 7:16-cv-108-O (N.D. Tex.)

Exhibit 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 1:13-cv-02611-WJM-BNB

LITTLE SISTERS OF THE POOR HOME FOR THE AGED, DENVER, COLORADO, a
Colorado non-profit corporation,
LITTLE SISTERS OF THE POOR, BALTIMORE, INC., a Maryland non-profit corporation, by
themselves and on behalf of all others similarly situated, along with
CHRISTIAN BROTHERS SERVICES, a New Mexico non-profit corporation, and
CHRISTIAN BROTHERS EMPLOYEE BENEFIT TRUST,

Plaintiffs,

v.

KATHLEEN SEBELIUS, Secretary of the United States Department of Health and Human
Services,
UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES,
THOMAS E. PEREZ, Secretary of the United States of Department of Labor,
UNITED STATES DEPARTMENT OF LABOR,
JACOB J. LEW, Secretary of the United States Department of the Treasury, and
UNITED STATES DEPARTMENT OF THE TREASURY,

Defendants.

**UNOPPOSED MOTION TO EXTEND DEADLINES
FOR BILL OF COSTS AND MOTION FOR ATTORNEY'S FEES**

Pursuant to D.C.COLO.LCivR 6.1 and 7.1, and in light of ongoing fruitful negotiations between the parties regarding costs and attorney's fees, Plaintiffs respectfully request that the Court grant a 21-day extension for the Plaintiffs to file their Bill of Costs and motion for attorney's fees. Defendants consent to this motion. There is good cause to grant the motion:

1. On May 29, 2018, this Court granted Plaintiffs' motion for a permanent injunction and ordered that Plaintiffs would have their costs upon compliance with D.C.COLO.LCivR 54.1. *See* Dkt. 82 (order); Dkt. 83 (final judgment).

2. Based on that local rule and Federal Rule of Civil Procedure 54(d)(2)(B), the deadline to file the Bill of Costs and Plaintiffs' motion for attorney's fees is currently June 12, 2018.
3. This motion is therefore filed before the original filing deadline, in compliance with this Court's practice standards. WJM Revised Practice Standards II(D)(2).
4. Further, this case featured complex civil rights litigation that lasted almost five years and required two trips to the U.S. Supreme Court, with extensive briefing before this Court, the Tenth Circuit, and the U.S. Supreme Court along the way. Dkt. 80 at 3-8 (history of case).
5. After this Court entered final judgment, Plaintiffs filed a notice with the Tenth Circuit informing it of this Court's resolution of the case and that the pending appeal is now moot. Status Report, *Little Sisters of the Poor v. Burwell*, No. 13-1540 (10th Cir. May 31, 2018). The Tenth Circuit has ordered Defendants to file a status report by June 14, 2018. *See Order, Little Sisters of the Poor v. Burwell*, No. 13-1540 (10th Cir. June 4, 2018).
6. Plaintiffs and Defendants have been diligently pursuing agreement on fees and costs since this Court entered final judgment.
7. Plaintiffs believe that the parties will be able to reach an agreement within the next 21 days.
8. A 21-day extension would be reasonable. *See, e.g.*, D.C.COLO.LCivR 6.1(a) (allowing the parties to stipulate in writing to one extension of not more than 21 days in other contexts).
9. The parties have not previously sought extensions of these deadlines. *Id.* at 6.1(b) (factoring in past extensions). The only extension of any kind sought by either party in this case was Defendants' motion on November 15, 2013, which this Court granted that same day. *See* Dkts. 35 & 36.

Plaintiffs therefore respectfully request that this Court grant a 21-day extension of Plaintiffs' deadlines to file a Bill of Costs and a motion for attorney's fees.

Respectfully submitted,

/s/ Mark Rienzi

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CERTIFICATE OF SERVICE

I hereby certify on June 11, 2018, the foregoing motion was served on all counsel of record via the Court's electronic case filing (ECF) system.

/s/ Mark Rienzi
Mark Rienzi